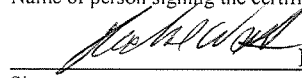


I hereby certify that this paper is being electronically transmitted to the U.S. Patent and Trademark Office on the date shown below.

Rachel Watt

Name of person signing the certification



February 22, 2007

Signature

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3743

In re application of	: Church, et al.
U.S. Serial No.	: 10/550,765
U.S. Filing Date	: September 11, 2006
International Serial No.	: PCT/GB04/01395
International Filing Date	: March 29, 2004
Title	: RESPIRATOR

**RESPONSE TO
NOTICE OF
NON-COMPLIANT
AMENDMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice of Non-Compliant Amendment dated February 7, 2007, a copy of which is enclosed. Submitted herewith is a corrected version of the Preliminary Amendment originally filed on September 27, 2006, having the Remarks section appearing on a separate page.

Favorable action on this application is respectfully requested.

Serial No.: 10/550,765
Response to Notice of Non-Compliant Amendment
Reply to Notice dated February 7, 2007

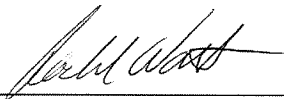
Attorney Docket No.: 018872.00160

It is submitted that no fees are required. However, the Director is hereby authorized to charge any fees due as a result of this paper to Deposit Account 08-2442 of the undersigned.

Respectfully submitted,
HODGSON RUSS LLP
Attorneys for Applicant(s)

Date: February 22, 2007

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By: 
Rachel S. Watt
Reg. No. 46,186



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,765

09/11/2006

Colin Church

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02/07/2007

HODGSON RUSS LLP

ONE M & T PLAZA

SUITE 2000

BUFFALO, NY 14203-2391

EXAMINER

ART UNIT

PAPER NUMBER

3743

MAIL DATE

DELIVERY MODE

02/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10550765

Examiner

Applicant(s)

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 09-27-05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: the remarks/signature page must be separate from the claims section.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Ruby Johnson/

Legal Instruments Examiner (LIE), if applicable

571-272-4359

Telephone No.